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ABSTRACT

School-based sexual harassment is taking an undeniable toll on students across this country, and they do not know what to do about it. Parents, teachers, administrators, and local and state policymakers must acknowledge that it is a problem in schools. Sexual harassment policies must be established in every school in this country, and they must be clearly communicated to all and vigorously enforced. Part 1 of this guide addresses the issue by presenting an overview of sexual harassment for educators: what sexual harassment is, the importance of a policy, and steps that can be taken to turn policy into action. Part 2 describes a sexual harassment case, including facts behind the scenes, results of an investigation conducted by the U.S. Department of Education Office of Civil Rights, and implications. Part 3 offers recommendations, such as reviewing state statutes or policies to ensure that they specifically refer to "sexual harassment" and otherwise adequately address this issue, establishing state accountability mechanisms, and ensuring that education is made available to students about sexual harassment, preferably integrated into existing curricula. Part 3 concludes with a student's guide to understanding sexual harassment at school and on the job, and teaching strategies for sexual harassment. (Contains 16 references.) (RT)

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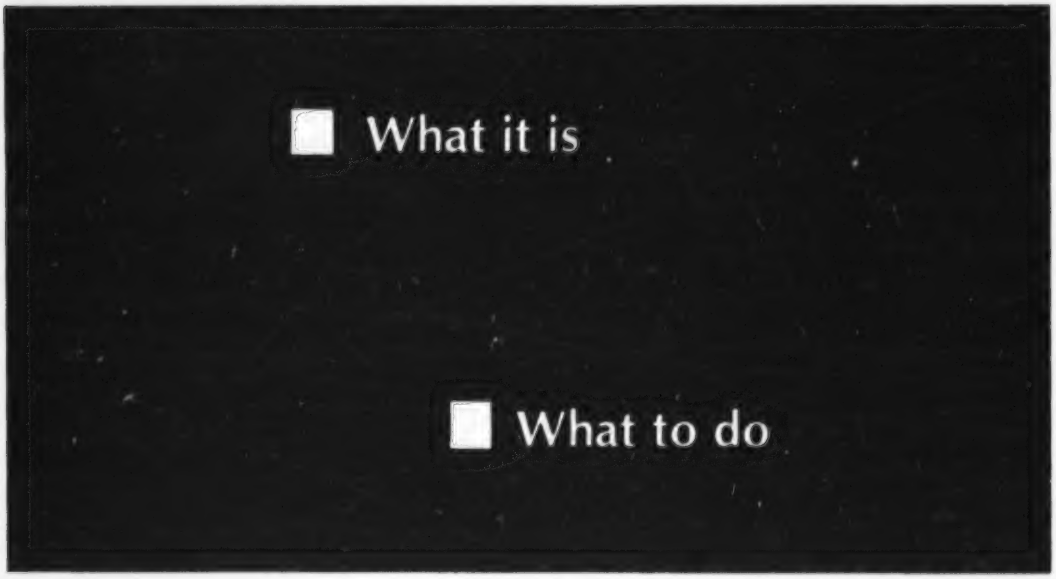
SEXUAL HARASSMENT IN SCHOOLS



A Policy Guide

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SEXUAL HARASSMENT IN SCHOOLS

■ **What it is**

■ **What to do**

A Policy Guide

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Sexual Harassment in Schools:
What It Is, What to Do

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Editor: David Kysilko

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PREFACE

> "The experience was unnerving. I was rattled. I felt insecure and vulnerable at school, which should be a safe place for learning."
>
> — high school girl who had been sexually harassed

From across the country stories are surfacing about sexual harassment in school. In Duluth, Minnesota, boys repeatedly wrote graffiti saying "Katie Lyle is a whore" and other slurs that can't be printed here. In Victor Valley, California, a shop teacher ridiculed a girl in his class and would not let her work on car engines with the boys. In Mason City, Iowa, a young girl who broke up with her boyfriend was taunted by more than 20 boy and girl students who kept saying she had slept with a number of boys; she was assaulted and had to leave school. In Lakewood, California, a group of boy students tallied points for every girl they slept with.

Although these stories may seem extreme, they are not isolated incidents. Sexual harassment is an everyday part of life for the majority of our nation's schoolchildren. The American Association of University Women (AAUW) Educational Foundation's recent survey on sexual harassment found that four in five 8th through 11th grade students had experienced some form of sexual harassment while at school. Students are targets of sexual harassment ranging from having sexual rumors spread about them to being touched, grabbed, or pinched in a sexual way. This harassment is taking place in the hallways and classrooms of American schools, mostly by fellow students. An alarming 11% of students report that they have been forced to do something sexual other than kissing.

School-based sexual harassment is taking an undeniable toll on girls and boys across this country and students don't know what to do about it. The majority don't even know if their school has a policy on sexual harassment. And for most students, when they've experienced harassment they are five times more likely to tell a friend than a teacher.

Parents, teachers, and administrators, as well as state and local education policymakers, must acknowledge that sexual harassment is a problem in schools. They must stop sexual harassment when they see it. They must take seriously and investigate every report of harassment in school. Sexual harassment policies must be established in every school in this country and they must be clearly communicated to all and vigorously enforced.

Now is the time to deal with the problem. With the publicity from Anita Hill's testimony at the Clarence Thomas hearing, several recent court cases, and the release of such significant research findings as *Hostile Hallways: The AAUW Survey on Sexual Harassment in America's Schools*,

public awareness of sexual harassment in school has increased. Recently, new gender equity legislation, the Gender Equity in Education package, was introduced in Congress. These bills, if passed, will help create a safe, equitable climate for learning for all students, with a provision that allows federal funds to be used for conducting research and for helping schools develop and implement sexual harassment prevention programs and policies.

The harm caused by sexual harassment and abuse does not end with graduation. Young women and men take their experiences to campus and the workplace, where the detrimental effects of sexual harassment continue to take a toll. In the workplace, sexual harassment litigation cost American business millions of dollars last year. Unless we stop the epidemic of sexual harassment in our schools and demonstrate early on that this behavior is wrong, we will be forever paying for it when our children become adults. America's future depends on our children's development as healthy and educated adults. Together we must take responsibility for our children's education by ensuring that all schools are free of sexual harassment.

Anne Bryant

Anne Bryant was Executive Director of the American Association of University Women from 1986 -1996. She is currently Executive Director of the National School Boards Association.

PART I. AN OVERVIEW OF SEXUAL HARASSMENT FOR EDUCATORS

By Kathryn Wells Murdock

Introduction

Sexual harassment is a form of discrimination which, like its racial counterpart, has its roots deep in American culture. The new awareness brought about principally by legislation and litigation requires a change in thinking and action by education policymakers that may be as far reaching as that required by *Brown v. Board of Education.*

Different treatment based on sex is no more defensible than the racially "separate but equal" schools that were struck down by the U.S. Supreme Court. From various surveys and articles chronicling incidents of sexual harassment, society is beginning to understand sexual harassment's negative impact on education through absenteeism, lower achievement, loss of self esteem and dropping out of school by the victims. Educators cannot allow any students to have to run a gauntlet of harassment in order to attend school and obtain an education.

Society pays a high price for sexual harassment. Lost productivity, sick leave, and worker replacement caused by sexual harassment in federal jobs alone amounted to $267,000,000 from 1983-87.[1] Setting aside the personal angst of victims, this cost to society justifies a proactive, preventative education program to eliminate sexual harassment.

Educators also have a vested financial interest in preventing sexual harassment. *Gwinnett v. Franklin*[2] seized the attention of educators in 1992 when the U.S. Supreme Court unanimously held that courts can award monetary damages for complaints brought under Title IX of the Education Amendments of 1972.[3] Title IX prohibits sex discrimination against any person in an education program that receives federal financial assistance. Until the Supreme Court's decision, equitable relief such as the withholding of federal monies or a court injunction to stop the harassment were the only anticipated sanctions for a violation. This "go forth and sin no more" approach to noncompliance has been replaced with serious financial penalties, making it incumbent on every education policymaker to understand the law and take steps to financially protect the district. Those steps are understanding the issue and developing policy; implementing the policy through procedures; and preventing harassment through a comprehensive education program.

This handbook is intended to guide policymakers and educators through these critical steps. Although school districts are legally responsible for ensuring a harassment-free environment for both students and staff, the primary focus here will be on sexual harassment as it affects students.

Sexual Harassment — What Is It?

Before a policy can be written, a basic understanding of the law with respect to sexual harassment is necessary. Title IX, referred to above, protects students from discrimination based on gender in schools.

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The federal law protecting school employees from discrimination based on gender is Title VII of the Civil Rights Act of 1964.[4] The Equal Employment Opportunity Commission (EEOC) has developed guidelines that define sexual harassment as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- Submission to such conduct is made either explicitly or implicitly, a requirement of employment,
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment."[5]

The first two types of action are often referred to as *"quid pro quo,"* and the third type referred to as "hostile environment."[6] Although the EEOC guidelines were written for employment situations, they have generally been adopted for the educational environment as well, and provide the basis for defining sexual harassment as it involves students.

Unwelcomeness is in the Victim's Perspective

The key word in understanding the EEOC guidelines is "unwelcome." The laws do not require a totally desexualized school. They do not outlaw such welcome activities as dating, flirting, and giving compliments. They do prohibit behavior that is demeaning, exploitative, and based on an imbalance of power. For students, the difference could be stated as: "It's okay to date, but not to intimidate." Unwelcomeness is not a matter of intent; it is a matter of the victim's perspective. Intent is not required for a finding of sexual harassment because "Title VII is aimed at the **consequences or effects** of an employment practice and not at the...motivation."[7] (Emphasis added.)

The Ninth Circuit has gone so far in recognizing the importance of the victim's perspective as to adopt a "reasonable woman standard."[8] This standard classifies conduct as unlawful sexual harassment even when harassers do not realize their conduct would detrimentally affect another person of the same sex as the victim. While shielding employers from idiosyncratic complaints of the hypersensitive employee, the standard recognizes that conduct which many men consider unobjectionable may offend many women.

The court quoted various studies and articles outlining different perceptions of men and women toward sexual overtures and noted that because women are the disproportionate victims of violent sex crimes, women have a stronger incentive to be concerned about sexual behavior.

In adopting the "reasonable woman" standard, the court noted that to do otherwise would "run the risk of reinforcing the prevailing level of discrimination. Harassers could continue to harass merely because a particular discriminatory practice was common, and victims of harassment would have no remedy."[9]

The Ninth Circuit's rejection of stereotyped notions of acceptable behavior is analogous to the courts forging new standards for racial equality in schools in spite of the historical acceptance of inequality.

Actions Held to be Harassment

In attempting to identify — and thereby eliminate — sexual harassment, there is no simple list of behaviors that constitute sexual harassment, because that will depend on whether the recipient of the behavior finds it welcome or not. The facts and relationship of the parties are critical; however, employment cases, within the circumstances of the particular cases, have found a variety of behaviors to constitute sexual harassment. These employment case holdings can be instructive because if an action to an adult is considered sexual harassment, it seems likely that similar behavior toward a student, who is even more vulnerable, would likewise be a violation.

The following list provides examples of actions that have been held to be sexual harassment in the cases noted:

Sexual jokes and cartoons. *Broderick v. Ruder*, 685 F.Supp. 1269 (D.C. Cir. 1988)

Love letters and repeated requests for a date. *Ellison v. Brady*, 924 F.2d 872 (9th Cir. 1991)

Intercourse or invitations for such. *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986)

Sexual remarks, insults or innuendoes. *Jew v. Univ. of Iowa*, 749 F.Supp 957 (S.D. Iowa 1990); *Katz v. Dole*, 709 F.2d 251 (4th Cir. 1983)

Attempted kissing. *Carrero v. NYC Housing Authority*, 690 F2d 569 (2d Cir. 1989)

Unequal facilities. *Harrington v. Vandalia-Butler Board of Education*, 585 F2d 192 (6th Cir. 1978)

Nude or suggestive pictures and posters. *Hall v. Gus Construction Co.*, 842 F2d 1010 (5th Cir. 1988)

Behavior that can be shown would be different if the victim were the opposite sex. *Delgado v. Lehman*, 665 F.Supp 460 (E.D. Va. 1987)

Acts of Harassment in Schools

In developing its 1993 survey of sexual harassment in America's schools, the American Association of University Women (AAUW) categorized fourteen distinct forms of sexual harassment that students experience in schools. This list includes the following types of sexual harassment:

Sexual comments, gestures, jokes, or looks

Being touched, grabbed, or pinched in a sexual way

"Flashing" or "mooning"

Spreading sexual rumors

Clothing pulled at, off, or down in a sexual way

Being shown or given sexual messages, pictures, or notes

Forced kissing

Being called gay or lesbian

Forced to do something sexual other than kissing

Being spied on while dressing or showering

According to the survey, the frequency of these acts ranged from 66% of students saying they have been the targets of sexual comments, gestures, jokes, or looks to 7% saying they have been spied on while dressing or showering.

It should be noted that although the majority of complaints and lawsuits are brought by females, either sex can be the victim of sexual harassment. The AAUW survey reported that 76% of males said they had experienced unwelcome and unwanted sexual behavior. That is only 9% less than females reported. (See box on page 11.) According to the AAUW report, the most common harassers of students are other students. Of the students surveyed who reported they had been harassed, nine out of ten boys and three out of four girls had been harassed by other students. It is also important to keep in mind that there is no minimum age requirement for sexual harassment. The U.S. Department of Education recently found a district in violation of Title IX for not appropriately responding to the complaints of a first grader who was the subject of sexual name calling on a school bus.[10]

The Importance of a Policy

Given a basic understanding of what sexual harassment is both in law and in practice, education leaders should take the first step: establishing a policy. Some states, like Minnesota, require all school districts to have a specific policy against sexual harassment. Others, such as Oregon, require policies for discrimination generally, and sexual harassment, as a form of discrimination based on sex, is included in such policies. Whether or not it is required by state laws or regulations, having a district policy gives assurance to the school community that preventing sexual harassment is a priority, and complaints will be taken seriously and investigated in a thorough, timely manner. The very act of the board deliberating on and adopting a policy will raise the awareness level in a district. Having a policy also may place a district in a more defensible position if they are involved in litigating a sexual harassment complaint.

A good policy should give a clear message that sexual harassment will not be tolerated. There may be two policies, one for students and one for staff. In any event, the policy statement should be comprehensive enough to include student-to-student, student-to-staff, staff-to-student, staff-to-staff, and supervisors-to-staff harassment. It should define sexual harassment and give some examples of unacceptable behavior. It should include contact persons for reporting and state responsibilities of the school staff. It should warn that sexual harassment is a basis for disciplinary action and set forth the range of discipline that may be taken by school officials. Finally, the policy should be posted in a conspicuous place in the school, included in the student handbook, and an effort should be made to ensure that all concerned — students, staff, and parents — are aware of and understand the policy.

Turning Policy into Action: The Complaint Procedure

Having a policy alone, however, is not enough (*Zabkowicz v. West Bend Co.*, 589 F.Supp 780 (E.D. Wis. 1984); *Delgado v. Lehman*, 665 F.Supp 460 (E.D. Va. 1987). In April 1993 the U.S. Department of Education ruled that the Eden Prairie, Minnesota schools, which had adopted a policy prohibiting sexual harassment between students, violated federal law by failing to identify incidents at the elementary school level as sexual harassment and make a timely response. (See Part 2: "A Case in Point" in this

publication.) The same month Chaska School District in Minnesota settled out of court, paying $40,000 to a young woman who accused school officials of ignoring her complaints of sexual harassment.[11]

When a complaint is received, the worst thing a district can do is to do nothing. Complaints must be taken seriously and investigated in a thorough, timely manner. A complaint procedure, both formal and informal, should be established. Districts should keep in mind that because schools can be held liable for behavior they did not know of, but with reasonable diligence should have known of, it is important to not simply wait for a complaint to be filed before any action is taken. Staff should be aware of the sexual harassment policy, understand what it means, and intervene when they see or hear inappropriate behavior.

Investigating a Sexual Harassment Complaint

When conducting an in-district investigation, the investigator should be selected with care. The person needs to 1) be knowledgeable of the applicable state and federal laws, 2) possess the skills and temperament to be able to conduct an unbiased investigation, 3) be trusted by the students or staff so they will talk freely, 4) be in a position of authority so his or her findings will be given serious consideration by the decision maker if disciplinary actions are necessary, and 5) be given the time and resources to investigate thoroughly.[12] School districts should also be aware that if the allegations constitute child abuse or sexual assault, state law may require reporting to law enforcement or children's protective services rather than conducting an in-district investigation.

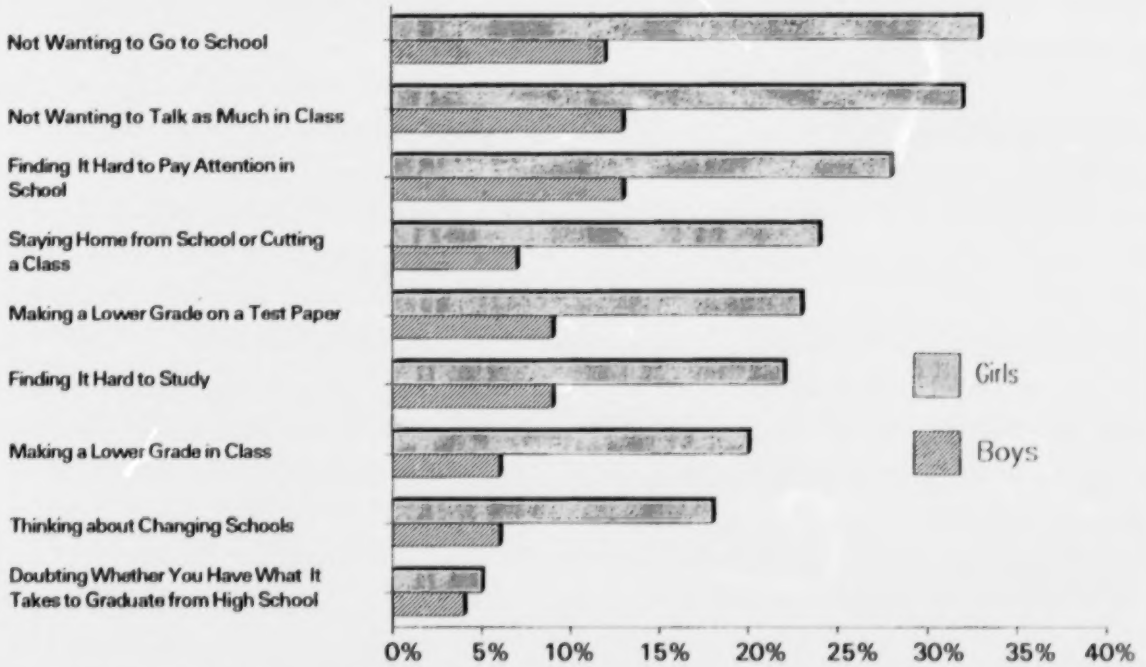
"When a complaint is received, the worst thing a district can do is do nothing....If harassment continues after the school has knowledge of it, the school will be considered to be condoning the activity. This translates to the Big 'L' — liability."

Some basic guidelines for the investigation should be observed. The complainant should be interviewed in a private, professional, nonjudgmental environment. Avoid any questions of sexual history, promises or solutions. Do not reveal whether the alleged offender has harassed others and do not make promises of complete confidentiality. Obtain all relevant data: what, when, and where the alleged acts occurred, the complainant's response and names of people the complainant talked to about alleged acts, names of any witnesses, copies of any documentation, knowledge of any similar actions by the alleged harasser, effect of alleged harassment on the complainant and what actions the complainant would like taken.

The alleged harasser should be interviewed in a private, professional nonjudgmental environment. If the allegations are against a staff person, allow a union representative or attorney to be present. Explain the allegations and ask if they are true. If the allegations are denied, obtain the alleged harasser's version and the names of any witnesses. Ask the alleged harasser to maintain confidentiality by not discussing the matter with others and avoid any actions that could be interpreted as retaliation.

The witnesses should also be individually interviewed in a private, professional, nonjudgmental environment. Ask the witnesses to maintain confidentiality and give assurance that there will be no retaliation for participating in the investigation.

Educational Impact of Sexual Harassment



Base: the 81% of students who report some experience of sexual harassment in school. Data taken from *Hostile Hallways: The AAUW Survey on Sexual Harassment in America's Schools* (1993). American Association of University Women, Washington, DC. Based on field surveys completed by 1,632 8th through 11th graders, the findings of this study are projectable to all public school students in these grades, with a margin of error at plus or minus four percentage points.

Other Findings from the AAUW Survey

- **Boys are nearly as likely as girls to have experienced some form of sexual harassment**: 76% of boys said that they have experienced sexual harassment, compared with 85% of girls. However, **girls were more likely than boys to report that they had "often" experienced sexual harassment** at school (31% for girls, compared with 18% for boys), and girls were more likely to report that sexual harassment had a negative impact on their education.

- Nearly one-third (32%) of all students who have been harassed **first experienced harassment before 7th grade**. A student's first experience with harassment is most likely to occur between 6th and 9th grades.

- **Perpetrators of sexual harassment in schools are far more likely to be fellow students than adults.** Of students who were harassed in school, 18% said they had been targeted by a school employee, while 79% said they had been harassed by a current or former student at school.

- **Students who have been sexually harassed are most likely to talk to friends about such incidents** (63% report that they have done so). Roughly a quarter have talked to parents or other family members and another quarter have told no one. **Only 7% said that they had reported being sexually harassed to a teacher.**

Discipline and Documentation

If it is determined that sexual harassment is occurring, it is the school's responsibility to stop it immediately. Remedies must be reasonably calculated to end the harassment.[13] If harassment continues after the school has knowledge of it, the school will be considered to be condoning the activity. This translates to the Big "L" — liability.

Disciplinary action against a student may range from a letter of apology to the person harassed to expulsion, depending on the gravity of the student's actions. "If students don't know when their own behavior is harassing, punishing them doesn't make sense," says Nan Stein of the Center for Research on Women at Wellesley College. Thus, as an educational institution, the district should also consider some educational programs and counseling to change the harassing student's behavior.

If the harasser is a staff person, discipline may range from a letter of reprimand in the personnel file to dismissal. It also may be necessary to report this to the state teacher licensing agency. If the staff person will remain in the district, an educational program or counseling would also be helpful. Actions taken, whatever they may be, should be documented.

Prevention through Education

No matter how strong the state law, no matter how good the policy, and no matter how prompt and thorough the complaint procedure is, for schools that is not enough. A proactive approach through education is the only way to eradicate sexual harassment.

"Teaching about harassment is really teaching about respect."

Education must begin with the educators. Inservice programs are necessary to raise staff awareness, recognize the need for change and motivate teachers to examine their own behavior. "Do as I say, not as I do" makes a mockery of teaching about sexual harassment.

Teachers are not likely to find ready-made lessons in textbooks for teaching about sexual harassment, but with awareness and ingenuity, lessons of sex equity can be integrated into existing curriculum.

- Beginning with kindergarten, we can emphasize respect and the right to be free from unwanted touching and name calling.
- We can bring meaning to the law by helping students understand the law as it pertains to them.

See "A Student's Guide to Sexual Harassment" in this publication (page 25).

- Examining and dispelling stereotypes and learning appropriate interpersonal skills are cornerstones in teaching to eliminate sexual harassment. Specific classroom activities are included in the accompanying section: "Teaching Strategies for Sexual Harassment" (page 26).
- We can also teach conflict resolution so students develop skills to deal positively with disputes.
- We can model appropriate behavior.
- We can develop peer counseling and support groups.

THE MINNESOTA SEXUAL HARASSMENT/SEXUAL VIOLENCE SURVEY

A year after school districts were required to have a sexual harassment policy in place, a state survey found that while there has been "improvement in education and awareness of sexual harassment and sexual violence in Minnesota's secondary schools," significant problems still persist. The study, conducted in the fall of 1992 by the Attorney General's office, surveyed all of the state's junior and senior high schools to determine the prevalence of sexual harassment and sexual violence. The survey also questioned administrators about how their schools are responding to the problem, which programs are most effective, and what areas need more work. Approximately 70 percent of schools responded to the survey.

Highlights from the survey include the following findings:

- **1,110 incidents of sexual harassment and 95 incidents of sexual violence** were reported at Minnesota public junior and senior high schools during the 1991-92 school year. As one state official noted, because "reported" occurrences represent only a fraction of actual sexual harassment incidents, these numbers are likely to represent "just the tip of the iceberg."

- While the vast majority of school administrators said that their sexual harassment policies were written in language appropriate for students and posted for all to see, **only 38 percent said that their policies were well understood by students**, and 55 percent reported that their policies were "somewhat understood."

- Only **44 percent of administrators reported that their students are required at some time during high school to attend a program on sexual harassment** or violence, and fewer than half of the schools responding to the survey said that they have a sexual harassment or sexual violence prevention curriculum being taught.

- Only 28 percent of the schools reported that they had **training available to administrators or staff for dealing with students who have been sexually harassed or assaulted**.

- **Only 43 percent of administrators reported that their staff who are in charge of investigating complaints of sexual harassment/violence had received training**. 31 percent said staff had not received such training, and 24 percent did not know.

The survey concluded that the early improvements seen in schools "are not enough. The problems of sexual harassment and sexual violence persist, and there is a strong need for policies to be more widely distributed and better understood. Administrators and staff in particular should be more knowledgeable about school policies and programs in order to educate and enforce them effectively."

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Not only will we be helping students develop social skills to deal with a diverse workplace so they are neither harassers nor victims when they leave school, we can establish a school environment that fosters respect for all people regardless of their gender.

Teaching about sexual harassment is really teaching about respect. Schools, through the support and leadership of education policymakers, are in the unique position of being able to add Respect to the 3R's. Learning to demand respect and give it to others regardless of gender is a life lesson that schools and society cannot afford for students to fail.

ENDNOTES

1. *Sexual Harassment in the Federal Government: An Update* (1988).

2. *Franklin v. Gwinnett Co. Public Schools*, 112 S.Ct. 1028 (1992).

3. 20 U.S.C. Sec. 1681.

4. 42 U.S.C. §2000e.

5. C.F.R. §1604 11(a).

6. The U.S. Department of Education's Office for Civil Rights defines a sexually hostile environment as one characterized by "acts of a sexual nature that are sufficiently severe or pervasive to impair the educational benefits."

7. *Ellison v. Brady*, 924 F.2d 872, at 880 (9th Cir. 1991) quoting from *Rogers v. EEOC*, 454 G.2d (5th Cir. 1971), cert denied, 406 U.S. 975, 92 S.Ct. 2058).

8. Of course, where male employees allege conduct which creates a hostile environment, the appropriate victim's standard would be that of a reasonable man. *Ellison v. Brady*, footnote 11.

9. *Ellison v. Brady* at 878.

10. U.S. Department of Education, Office for Civil Rights, Region V, Case No. 05-92-1174, April 27, 1993.

11. *Minneapolis Star Tribune*, April 6, 1993.

12. *Sexual Harassment in Employment and Education*, Northwest Women's Law Center, Seattle, Washington, (1992) p.33.

13. *Katz v. Dole*, 709 F.2d 251 (4th Cir. 1983).

PART II. SEXUAL HARASSMENT IN SCHOOLS: A CASE IN POINT

by David Kysilko

Even as awareness of sexual harassment grows, and more school districts develop and implement sexual harassment and sexual violence policies, significant problems in recognizing and investigating incidents of sexual harassment still arise — especially when very young children are involved. Just such problems occurred recently in the Eden Prairie, Minnesota, School District when a series of poorly investigated sexual harassment incidents finally led to a formal complaint against the District being filed with the U.S. Department of Education's Office of Civil Rights (OCR).

The Facts Behind the Case

The events leading to the formal complaint began in March of 1992 when a mother phoned the Eden Prairie district's transportation department to complain about foul language that was being used on her daughter's bus by a certain group of boys, aged 6 to 9. Her daughter was in the first grade. In response, the transportation coordinator rode the bus to make observations and then discussed the situation with the girl's principal. At this time both the coordinator and the principal viewed the matter in terms of "disruptive behavior." Two of the boys were disciplined, one with a one-day suspension and the other with a detention.

Barely a week later, however, the mother again contacted the transportation coordinator, this time describing specific incidents of explicit sexual and abusive language and conduct on the bus. In one instance, according to the OCR report of its investigation of this case, her daughter and another female student "were chased off the bus by a male first-grade student who called them a derogatory sex-related name." A witness reported that the girls were hysterical, screaming and in tears. The same boy teased the two girls about their sex organs, and another "told her daughter in graphic slang terms to perform sex acts with her father."

During the next two months, the mother wrote three additional letters to the district, by now specifically characterizing the problems on the bus as sexual harassment. As the OCR report notes, "Taken together, the complainant's letters charged that boys riding with her daughter subjected girls to a pattern of overt sexual hostility accompanied by actual or threatened aggressive physical contact and the repeated use of obscene or foul language, including offensive sexual slurs...directed at girls in a hostile manner. [However,] at no time did the district treat the complainant's correspondence as alleging a violation of the district's sexual harassment policy," and several of the specific incidents were not investigated because it was assumed that the same boys were involved and that the problems on the bus were now being adequately handled.

As the OCR investigators looked further into this complaint, they found numerous other instances where the district had mishandled sexual harassment incidents. On a different bus, several girls were reportedly continually teased about their anatomy, shoved, touched, and called obscene, sexually derogatory names. One parent with two daughters said that when her older daughter was sick, the younger one did not want to go to school because she was afraid to ride the bus alone. Even though the mother joined with two

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other parents to complain about such problems on the bus, no records were kept and the transportation coordinator could not recall the complaint. When the situation did not permanently improve, the first mother began driving her daughter to school.

At one of the district's middle schools, one boy allegedly propositioned several girls, offering them various amounts of money to perform sex acts. Despite a witness to one of these actions (a janitor who reported it to the principal) and discussions with the girls' parents, the district's sexual harassment file contains no record of the incident. According to the OCR report, the same boy also repeatedly "made remarks of a sexual nature regarding male and female anatomy and various sex acts" to three girls during a social studies class, and in one case even "physically restrained one of them so that she could not escape his lewd remarks." The teacher's only response was to offer to change the boy's seat, even though this strategy had already been attempted numerous times.

The three girls in the social studies class then reported the incidents to a school social worker and guidance counselor, and after at least a week had gone by, the school principal met together with the girls and the boy to discuss the matter. Little progress was made, however, as the boy denied the accusations. When, a few days later, the girls presented the principal with an obscene note that they believed was written by the boy, the principal suggested that one of the girls might actually have written the note. Eventually, the boy was suspended for one day for his inappropriate behavior in the social studies class. The mother of one of the girls, dissatisfied with how the principal had handled the situation, spoke with the sex equity coordinator for the Minnesota Department of Education about the incident, and the sex equity coordinator then brought the matter to the attention of the district's director of personnel (who was acting as the district human rights officer). After an investigation, the principal received a "Notice of Deficiency," was relieved of responsibility for investigating sexual harassment complaints, and the district instituted new procedures to ensure timely responses to alleged incidents of sexual harassment.

Results of the OCR Investigation

As a result of its investigation, the Office of Civil Rights found that sexual harassment had indeed occurred in a number of cases in the Eden Prairie School District. The report found that "in this case, there is no question that even the youngest girls understood that the language and conduct being used were expressions of hostility toward them on the basis of their sex and, as a clear result, were offended and upset." The OCR then looked into whether the district had fulfilled its obligations under Title IX requirements — and found that the district's responses were incomplete and "did not succeed in abating the hostile environment." The district's response, the report states, "was flawed by its **failure to treat the incidents as possible sexual harassment and to follow the related procedures**" (emphasis added).

Furthermore, the OCR found that even though the district had improved its sexual harassment enforcement, training, and education programs during 1992-93, a review of the sexual harassment report forms for that school year reflected "a continuing confusion as to what types of behavior constitute sexual harassment," and there was evidence that investigations and follow-up procedures were still incomplete. In particular, the forms used to report incidents of alleged sexual harassment often did not include the specificity needed to analyze the incidents, nor did they "contain an express finding as to whether sexual harassment occurred." Based on this and other evidence, OCR concluded that "the district violated Title IX and its implementing regulations...in that it failed to take timely and effective responsive action to address sexual harassment....The evidence shows that the district knew or should have known of the occurrence of the harassment but did not respond forcefully to end it."

In a settlement agreement reached with OCR, Eden Prairie agreed to implement a set of remedial actions through which the district would develop guidelines to help staff determine what specific behaviors constitute sexual harassment; develop guidelines to help staff determine appropriate disciplinary sanctions and other corrective actions needed to end repeated acts of sexual harassment; and continue various actions already initiated, such as improved communications with staff, parents and students about sexual harassment policy and procedures.

Implications

This description of events at some Eden Prairie schools is not being used in this report to embarrass the district, but to help all schools better respond to incidents of sexual harassment. Following are some of the lessons that can be taken from this case:

- Perhaps the most obvious lesson is that the case serves as a reminder that for schools, **sexual harassment knows no age limit**. One of the girls involved in the investigation was only six years old at the time of the incidents, and several others were still in elementary school.

- Despite some attempts at education and training, **there is still considerable confusion among students and staff about what constitutes sexual harassment**. Indeed, one of the serious mistakes the district made was to view some of the incidents, particularly those involving very young children, in terms of general behavior problems rather than as sexual harassment.

- **Simply having a sexual harassment policy is not sufficient** to ensure that a district or school is in compliance with Title IX. The policy must include specific procedures for investigation of complaints — and schools must ensure that teachers and staff have the training needed to follow these procedures and respond in an appropriate way.

- **Communication to all parents about sexual harassment policies is also important**. Several of the Eden Prairie parents said that if they had been aware of the district's policy, they would have framed their complaints more specifically in terms of sexual harassment.

- **All students — regardless of their age or educational placement — are subject to a school's sexual harassment policy**. As discussed above, in the Eden Prairie case the very young ages of some of the perpetrators seemed to incline administrators to view their cases in terms of general behavior problems rather than as sexual harassment. In addition, during the OCR investigation the district noted that several of the perpetrators were special education students and "argued that greater tolerance of special education students' misconduct is necessary to achieve their individual educational objectives...." The OCR countered that Title IX standards do not allow a district to act "any less effectively to combat sexual harassment by special education students which interferes, on the basis of sex, with other students'" education.

- Policymakers and administrators at all levels should recognize that **putting new policies, procedures, and curricula about sexual harassment in place may initially increase the number of reported incidents**. This can be attributed to increased awareness and knowledge of the problem by all concerned. However, the possibility of increasing the number of reported incidents should not deter policymakers from taking action. Stopping sexual harassment in schools is the right thing to do, it can save districts from costly litigation — and it's the law.

Supreme Court Decision "Puts Teeth" into Title IX

Another sexual harassment case that has helped increase public and school officials' awareness of this issue is that of *Franklin v. Gwinnett County School District*, the Supreme Court decision that gives individuals the right to sue for monetary damages under Title IX. Events in the case date back to 1986 when, according to then-student Christine Franklin, an economics teacher at North Gwinnett High School in suburban Atlanta began approaching her with sexually suggestive remarks. The harassment continued over a period of 15 months, Franklin alleged, and included sexually-oriented conversations in the teacher's office, forced kisses, and phone calls. Ultimately, she said, the teacher pressured her into having sex with him three times at various places on the school campus and during school hours. According to Franklin, administrators were aware of her complaints but were slow to take action, and the school's band director even suggested that she drop her allegations in order to avoid embarrassment. At the time, the district had no formal policy for reporting or investigating sexual harassment, although eventually an investigation took place that led to the resignation of the teacher.

In 1988 Franklin filed a formal complaint with the U.S. Department of Education's Office for Civil Rights, which after its investigation concluded that the teacher and school district had indeed been in violation of Title IX. Later Franklin filed a federal suit asking for $11 million in compensatory damages.

Two lower courts dismissed Franklin's suit, holding that individuals cannot collect monetary damages under Title IX. But in 1992 the U.S. Supreme Court, by a 9-to-0 vote, reversed those rulings, noting that a precedent had already been set in a 1979 High Court decision and that "absent clear direction to the contrary by Congress, the federal courts have the power to award any appropriate relief" to individuals suing under federal statutes. The school district, along with the Bush administration, had argued that the only awards possible under Title IX would have been back pay or an injunction to end the harassment. But since Franklin was not an employee and had already graduated, the Court said, such remedies would be "clearly inadequate."

The effect of the ruling is likely to be far-reaching. Franklin's attorney said that it "sends a clear message to schools and universities throughout the country that there is real teeth in Title IX, particularly with respect to sexual harassment." Or as Ellen Vargyas, a senior lawyer with the National Women's Law Center, has put it, "schools will have to pay attention to sexual harassment, because it will cost them money if they don't."

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PART III. WHAT TO DO

Recommendations for State Actions

Current state policies range from a mandate that every district have a sexual harassment policy (see "Sample Policy" on page 20), to state codes that include sexual harassment as part of the definition of "discriminatory practice," to statutes that prohibit discrimination generally. However, the fundamental state education function should be to assist districts in their implementation of sexual harassment policies. Specific ways of providing such assistance and ensuring that it is effective include the following actions that could be taken by the state board and/or state department of education:

- Reviewing existing state statutes or policies that relate to sexual violence, sexual harassment or other forms of discrimination to ensure that these policies specifically refer to "sexual harassment" and otherwise adequately address this issue. Policies and statutes can range from specifically prohibiting sexual harassment to requiring that all districts develop and disseminate policies regarding sexual harassment.

- Establishing state accountability mechanisms with respect to sexual harassment and sexual harassment policies in local districts (e.g., through the accreditation process or other means of collecting information, such as periodic surveys). Other data that should be collected include information about the quality of the policies; employee and student knowledge and understanding of the policy; the number of schools that provide staff training in sexual harassment; the number of schools that provide educational programs for students; and the number of districts that address sexual harassment in their curriculum.

- Building the capacity of the state education agency to provide sexual harassment training for school personnel and students. The state department of education should also be able to help districts develop and implement their sexual harassment policies and help districts and schools develop procedures for investigating alleged incidents of sexual harassment. Such increased capacity could come, for example, through the state office of equal educational opportunity.

- Advocating to the legislature that funding be made available to schools and districts for use in 1) sexual harassment training for all school staff to increase intervention and reporting and 2) for specific training of those responsible for investigating sexual harassment incidents.

- Ensuring that lessons for teaching students about sexual harassment, preferably integrated into existing curricula, are available to districts. The lessons should contain materials appropriate to students of all ages, including those in the earliest grades.

Sample State Policy

MINNESOTA STATUTES REGARDING SEXUAL HARASSMENT AND SEXUAL VIOLENCE

127.455 Model Policy

The commissioner of education shall maintain and make available to school boards a model sexual harassment and violence policy. The model policy shall address the requirements of section 127.46.

Each school board shall submit to the commissioner of education a copy of the sexual harassment and sexual violence policy the board has adopted.

127.46 Sexual Harassment and Violence Policy

Each school board shall adopt a written sexual harassment and sexual violence policy....The policy shall apply to pupils, teachers, administrators, and other school personnel, include reporting procedures, and set forth disciplinary actions that will be taken for violation of the policy. Disciplinary actions must conform with collective bargaining agreements....The policy must be conspicuously posted throughout each school building and included in each school's student handbook on school policies. Each school must develop a process for discussing the school's sexual harassment and violence policy with students and school employees.

Sample District Policy Prohibiting Harassment and Violence

I. General Statement of Policy

It is the policy of _____ School District (the "School District") to maintain a learning and working environment that is free from religious, racial or sexual harassment and violence. The School District prohibits any form of religious, racial or sexual harassment and violence.

It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of the School District to harass a pupil, teacher, administrator or other school personnel through conduct or communication of a sexual nature or regarding religion and race as defined by this policy. (For purposes of this policy, school personnel includes school board members, school employees, agents, volunteers, contractors or persons subject to the supervision and control of the District.)

It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of the School District to inflict, threaten to inflict, or attempt to inflict religious, racial or sexual violence upon any pupil, teacher, administrator or other school personnel.

The School District will act to investigate all complaints, either formal or informal, verbal or written, of religious, racial or sexual harassment or violence, and to discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who is found to have violated this policy.

II. Religious, Racial and Sexual Harassment and Violence Defined

A. Sexual Harassment: Definition. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

(i) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or

(ii) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or

(iii) that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or educational environment.

Sexual harassment may include but is not limited to:

(i) unwelcome verbal harassment or abuse;

(ii) unwelcome pressure for sexual activity;

(iii) unwelcome, sexually motivated or inappropriate patting, pinching or physical contact, other than necessary restraint of pupil(s) by teachers, administrators or other school personnel to avoid physical harm to persons or property;

(iv) unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;

(v) unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or

(vi) unwelcome behavior or words directed at an individual because of gender.

B. Racial Harassment: Definition. Racial harassment consists of physical or verbal conduct relating to an individual's race when the conduct:

(i) has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;

(ii) has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or

(iii) otherwise adversely affects an individual's employment or academic opportunities.

C. Religious Harassment: Definition. Religious harassment consists of physical or verbal conduct relating to an individual's religion when the conduct:

(i) has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;

(ii) has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or

(iii) otherwise adversely affects an individual's employment or academic opportunities.

D. Sexual Violence: Definition. Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas.

Sexual violence may include, but is not limited to:

(i) touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;

(ii) coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;

(iii) coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or

(iv) threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

E. Racial Violence: Definition. Racial violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.

F. Religious Violence: Definition. Religious violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion.

G. Assault: Definition. Assault is:

(i) an act done with intent to cause fear in another of immediate bodily harm or death;

(ii) the intentional infliction of or attempt to inflict bodily harm upon another; or

(iii) the threat to do bodily harm to another with present ability to carry out the threat.

III. Reporting Procedures

Any person who believes he or she has been the victim of religious, racial or sexual harassment or violence by a pupil, teacher, administrator or other school personnel of the School District, or any person with knowledge or belief of conduct which may constitute religious, racial or sexual harassment or violence toward a pupil, teacher, administrator or other school personnel should report the alleged acts immediately to an appropriate School District official designated by this policy. The School District encourages the reporting party or complainant to use the report form available from the principal of each building or available from the School District office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a District Human Rights Officer or to the Superintendent.

A. In Each School Building. The building principal is the person responsible for receiving oral or written reports of religious, racial or sexual harassment or violence at the building level. Any adult School District personnel who receives a report of religious, racial or sexual harassment or violence shall inform the building principal immediately.

Upon receipt of a report, the principal must notify the School District Human Rights Officer immediately, without screening or investigating the report. The principal may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable

by the principal to the Human Rights Officer. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours and forward it to the Human Rights Officer. Failure to forward any harassment or violence report or complaint as provided herein will result in disciplinary action against the principal. If the complaint involves the building principal, the complaint shall be made or filed directly with the Superintendent or the School District Human Rights Officer by the reporting party or complainant.

B. In the District. The School Board hereby designates _____ as the School District Human Rights Officer(s) to receive reports or complaints of religious, racial or sexual harassment or violence. If the complaint involves a Human Rights Officer, the complaint shall be filed directly with the Superintendent.[1]

The School District shall conspicuously post the name of the Human Rights Officer(s), including mailing addresses and telephone numbers.

C. Submission of a good faith complaint or report of religious, racial or sexual harassment or violence will not affect the complainant or reporter's future employment, grades or work assignments.

D. Use of formal reporting forms is not mandatory.

E. The School District will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the School District's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

IV. Investigation

By authority of the School District, the Human Rights Officer, upon receipt of a report or complaint alleging religious, racial or sexual harassment or violence, shall immediately undertake or authorize an investigation. The investigation may be conducted by School District officials or by a third party designated by the School District.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In determining whether alleged conduct constitutes a violation of this policy, the School District should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

In addition, the School District may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation of alleged religious, racial or sexual harassment or violence.

The investigation will be completed as soon as practicable. The School District Human Rights Officer shall make a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, the report may be filed directly with the School Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear ~~to be violations of this policy~~.

[1] **In some School Districts the Superintendent may be the Human Rights Officer. If so, an alternative individual should be designated by the School Board.**

V. School District Action

A. Upon receipt of a report, the School District will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. School District action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, state and federal law and School District policies.

B. The result of the School District's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the School District in accordance with state and federal law regarding data or records privacy.

VI. Reprisal

The School District will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports alleged religious, racial or sexual harassment or violence or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

VII. Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the state Department of Human Rights, initiating civil action or seeking redress under state criminal statutes and/or federal law.

VIII. Harassment or Violence as Abuse

Under certain circumstances, alleged harassment or violence may also be possible abuse under state law. If so, the duties of mandatory reporting under such statutes may be applicable.

Nothing in this policy will prohibit the School District from taking immediate action to protect victims of alleged harassment, violence or abuse.

IX. Dissemination of Policy and Training

A. This policy shall be conspicuously posted throughout each school building in areas accessible to pupils and staff members.

B. This policy shall appear in the student handbook.

C. The School District will develop a method of discussing this policy with students and employees.

D. This policy shall be reviewed at least annually for compliance with state and federal law.

This "Sample School Board Policy Prohibiting Harassment and Violence" was prepared by the Minnesota School Boards Association, July 1993.

Students' Guide to Understanding Sexual Harassment at School and on the Job

by Kathryn Wells Murdock

1. What is sexual harassment?

Simply stated, it is a form of discrimination based on sex, and, if it occurs at school or work, you're protected by state and federal law.

More specifically, it is **unwelcome** sexual overtures in the workplace or school when 1) your education or employment depends on your putting up with or giving in to the overtures or 2) the sexual overtures make a **hostile** environment.

The overtures may be from a person in authority, like a supervisor at work or a teacher, or from a co-worker or another student. Both males and females may be victims of sexual harassment.

2. What is meant by unwelcome?

Unwelcomeness is in the mind of the victim. For example: one person may do or say something and it's enjoyed or taken as a compliment; a different person may do or say the same thing to the same person and it's unwelcome.

3. Does this mean I can be accused of sexual harassment even if I didn't intend to sexually harass anyone?

Yes. Intent is not part of the definition. Even though you may have thought it was just harmless teasing, or flirting or being funny, it's how the **other** person feels about the words or acts. In other words, you have to think about how your message will be received.

4. Since I can't read someone's mind, how do I know if my behavior is welcome or if I'm sexually harassing?

Try asking yourself these questions:

Have I been told my actions are unwelcome or inappropriate? Would I say/do the same to someone of the same sex? Would I say/do this if my parent, girlfriend, boyfriend, or teacher were present? Would I want someone to say/do this to my sister or brother or girlfriend or boyfriend? Would I want my actions to be on the evening news? Is the person to whom I'm saying/doing this in an equal position of power as me? Do my words/actions show respect for the other person?

If you answer "no" to two or more of the questions, there is a good chance your behavior is unwelcome.

5. So if the words or acts are welcome, there is no sexual harassment?

Not necessarily. If other people in the same area who observe the behavior find it offensive and unwelcome, this can create a hostile environment, which is a form of sexual harassment.

6. What are some examples of sexual harassment?

There is no absolute list because whether or not certain behavior is considered sexual harassment depends on whether others find the behavior unwelcome, but here are some actions that are likely to be viewed as sexual harassment:

Dirty jokes, sexual name calling, comments about a person's physical/sexual development, requests for sex, nude pictures, touching, grabbing, pinching, generalizations about members of one sex or different expectations based on gender, graffiti or repeated requests for a date.

7. What can I do if I feel like I'm being sexually harassed at school or work?

Let the person know that you don't appreciate their words/acts. Be clear. Some people still think "no" means "yes." If you don't feel comfortable talking to the person, write a letter and keep a copy.

Talk it over with a friend or your parents.

Ask for help. Report it to a teacher, counselor, or principal if it occurs at school, or to your employer if it occurs at work.

If it doesn't stop, file a complaint. If this is occurring at school, you can file a complaint with your school district, state agency that deals with discrimination in education, or the U.S. Department of Education's Office of Civil Rights. If it's a work situation, it can be reported to the state agency dealing with labor or employment. School officials and employers have a legal responsibility to put a stop to the harassment.

8. What if I'm sexually harassed somewhere other than at work or school?

The law provides specific protection in these places. In other places, like at a party or at the mall, you will need to rely on your assertiveness and your ability to avoid the person or leave the place. If the acts are severe enough, they may be the basis for criminal charges or a civil law suit.

9. This all sounds pretty complex...Are there any simple solutions?

Sexual harassment could be wiped out with three steps:

- Expect equality and respect.
- Think about not only what you're saying or doing, but what the other person may be hearing and feeling. When in doubt, ask.
- Treat everyone with common courtesy and respect.

Teaching Strategies for Sexual Harassment

With increasing reports of sexual harassment, lawsuits and political inquiries, it's clear that simply having a law will not stop sexual harassment. Only through education and changing behavior will students be free of harassment and not have to face disciplinary action at school or work for perpetrating sexual harassment.

Teachers dealing with the issue of sexual harassment are not likely to find preplanned lessons in a textbook. What is lacking in textbooks, however, is more than compensated for in the wealth of articles in

periodicals. The following classroom activities were written with high school students in mind, but could be appropriate for other grades, depending on the materials selected.

Study Stereotypes

One beginning point for the study of sexual harassment would be an exploration of stereotypes based on gender. How these stereotypes affect behavior toward the opposite sex and lead to exploitation can be analyzed and documented through newspaper and magazine articles, political cartoons, and television.

Interview Workers

Students are living in a pivotal time of changing standards of behavior regarding women in the work place. Interviews with parents and older workers regarding accepted and expected behavior in the past can be illuminating. Based on information from these interviews, the class could chart societal changes through the last four or five decades. Interviews with legislators, attorneys, and journalists may provide additional perspectives.

Learn the Law

Students should have a working understanding of the state and federal laws, including the protection provided by law and the behavioral standards required by the law. Going beyond the pure content of the law, students may delve into questions such as "How effective are laws in changing behavior?...in changing attitudes?" and "Does society change laws or do laws change society?"

Role Play

On a personal level, students should be aware of their rights and responsibilities under the laws and also the limitations of the law. Role playing appropriate responses to unwelcome sexual overtones can prepare students to effectively prevent, deflect, and confront difficult situations.

Talk with School Officials

Students should also be aware of how a formal complaint would be handled in their own school. Hearing this from a principal, superintendent, or board member can be effective both as deterrence and assurance to students.

Draft District Policy and Student Conduct Code

Many school districts' policies are in an embryonic state regarding sexual harassment because most states have not required specific policies, procedures or student behavioral standards in this area. Students could write a district policy and submit it to their local school board. Writing a student conduct code regarding sexual respect for the classroom or school would be another way of students transferring knowledge into practice.

Guest Speakers

If your school has a career day or you bring in guest speakers from the business world, ask them to address how their company deals with reports of sexual harassment.

A final thought — teaching about sexual harassment is a way to raise students' awareness of the importance of being respectful to all people. It's not just a good idea, it's not just the law...it's a great basis for classroom behavior.

Teaching Strategies for Sexual Harassment was developed by Kathryn Wells Murdock.

Where to Find More Information

The U.S. Department of Education, Office of Civil Rights, has published several helpful documents: *Sexual Harassment: It's Not Academic*, a pamphlet for administrators, teachers, students and parents with basic information about recognizing and dealing with sexual harassment under Title IX; and *Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, which provides information regarding the standards used by OCR to investigate and resolve allegations of sexual harassment. The publications are available from the U.S. Department of Education, Office for Civil Rights, Customer Service Team, 330 C Street, S.W. Washington, D.C. 20202. They are also available on the Internet at *www.ed.gov/offices/OCR/ocrpubls.html*.

Fran Sepler and Walter H. Bera (1992). *Crossing the Line: A New Curriculum to Help Prevent Sexual Harassment Among Students*. Kitchener-Reese, Minneapolis, MN, (612) 338-5350 ($350.00).

Educator's Guide to Sexual Harassment (1993). Thompson Publishing Group, Washington, DC, (800) 677-3789 ($287.00).

Hostile Hallways: The AAUW Survey on Sexual Harassment in America's Schools (1993). American Association of University Women, 1111 16th St. NW, Washington, DC 20036-4873, (800) 225-99998, ext. 246 ($11.95).

Interface Diversity Center, Interface Network, 4800 Griffith Drive, Suite 202, Beaverton, OR 97005 (Consultation and Training).

It's Not Fun – It's Illegal: The Identification and Prevention of Sexual Harassment to Teenagers (1988). Minnesota Dept. of Education, Room 522 Capitol Square Bldg., St. Paul, MN 55101 ($10.00). For additional information about the state role in responding to sexual harassment, contact Sue Sattel, Gender Equity Specialist (612) 297-2792.

J. Lewis, S. Hastings, and A. Morgan (1992). *Sexual Harassment in Education*. National Organization on Legal Problems in Education, (913) 273-3550.

No Laughing Matter: High School Students and Sexual Harassment. Massachusetts Department of Education, 350 Main St., Malden, MA 02148. A 25-minute videotape ($25.00).

"Sexual Harassment at an Early Age: New Cases are Changing the Rules for Schools." *The Harvard Education Letter*, Volume IX, Number 4, July/August 1993.

Sexual Harassment in Employment and Education (1992), Northwest Womens Law Center, 119 South Main Street, Suite 330, Seattle, WA 98104-2512, (206) 682-9552 ($15.00).

Stein, Nan. "It Happens Here, Too: Sexual Harassment and Child Sexual Abuse in Elementary and Secondary School," *Gender and Education*, ed. S.K. Biklen and D. Pollard, Chicago, National Society for the Study of Education, 1993 yearbook.

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